

MAINE HARNESS RACING COMMISSION
MINUTES OF MEETING
August 14, 2014
Gambling Control Board Conference Room
Department of Public Safety Building
45 Commerce Drive, Augusta, Maine

Commission Members Present: Barbara Dresser, Chair, James Tracy, Gary Reed and Michael Timmons. Absent: Commissioner Dirk Duncan.

Staff Members Present: Ron Guay, AAG, Henry Jackson, Miles Greenleaf, and Carol Gauthier.

Commissioner Tracy made a motion to approve the minutes of July 9, 2014 with revisions. Commissioner Reed seconded. Vote 4-0.

Commissioner Dresser asked for a motion to appoint Attorney Guay as hearing officer for the day for the matters on the agenda. Commissioner Tracy made a motion to appoint Attorney Guay as hearing officer. Commissioner Reed seconded. Vote 4-0.

ADJUDICATORY HEARINGS:

1. Attorney Guay stated that they are here in the matter of Marc Mosher and he is appealing the decision of a preliminary denial of his 2014 application for licensing as a driver and trainer. That denial was pursuant to 8 M.R.S Section 283. He asked questions of the Commission members. The Commission members answered no to question 1 and question 2. Mr. Mosher is present and he is represented by William Childs, and Mr. Jackson is present representing the Department. He asked Mr. Childs and Mr. Jackson if they had an objection to any of the proceedings up to this point. They both answered no. Mr. Childs had a question regarding the notice. He wanted to know which notice of the denial is the correct one. Attorney Guay asked Mr. Jackson which was the one we would use today. Mr. Jackson stated the one dated July 7, 2014. Attorney Guay asked if there were any other procedural questions at this point. Mr. Childs stated that upon Mr. Mosher's receipt of the May 28, 2014 preliminary denial citing Chapter 283 they provided Mr. Jackson with some information from the state of New York concerning the status of Mr. Mosher's license with New York whether he was presently suspended or refused a license in New York. In response to that, he received a second hearing notice of July 7, 2014. Is there a substantive distinction between the two notices? Mr. Jackson stated that the one dated May 28, 2014 denial was based upon your application submitted to New York Racing Wagering Board of November 10, 2011, it was denied by that board. He also stated that Mr. Childs did indicate that that denial was rescinded. Attorney Guay asked Mr. Jackson if he had any witnesses. Mr. Jackson stated he didn't have any. Attorney Guay asked Mr. Childs if he had any witnesses. Mr. Childs stated that Marc Mosher, Gary Mosher and Ken Spinney would be his witnesses. Attorney Guay administered the oath to these witnesses. He stated that under the rule Chapter 17, Section 21, "all penalties imposed by any Racing Commission in any racing jurisdiction shall be recognized and enforced by this Commission unless application is made for a hearing before this Commission wherein the applicant must show cause as to why such penalty should not be enforced against him/her in this State". Mr. Jackson presented Exhibit 1, application submitted by Mr. Mosher; Exhibit 2, copy of the New York Gaming Commission's denial of Mr. Mosher's license dated December 16, 2011. Attorney Guay asked Mr. Childs if he objected to the submission of this document and Mr. Childs stated yes for the moment. Mr. Jackson presented Exhibit 4, preliminary denial of driver/trainer license application dated July 7, 2014 with the attached return receipt requested. Attorney Guay asked Mr. Childs if he had any objection with the submission of Exhibit 4.

Mr. Childs responded with no objection. Attorney Guay asked Mr. Jackson for the submission of Exhibit 3. Mr. Jackson stated that he is not going to submit it. He also presented Exhibit 5, a letter from Mr. Childs indicating that Mr. Mosher is appealing the decision for a preliminary denial. Mr. Childs did not object to Exhibit 5. Attorney Guay asked if there were any more exhibits. Mr. Jackson presented Exhibit 6, notice of hearing with attached certified copy receipt. Mr. Childs had no objection to Exhibit 6. Mr. Jackson presented for information only a copy of Title 8 M.R.S, Section 283 Reciprocal Disciplinary Action. Attorney Guay asked for anything else. Mr. Jackson stated not at this time. Attorney Guay asked Mr. Childs if he needed more time to review Exhibit 2. Mr. Childs stated that he would like to review with his client. Attorney Guay stated that they would take a brief recess. He stated that they are back on the record and Exhibit 2 has been admitted. He also stated for the sake of time Mr. Jackson will be making opening argument and he will also be subject to cross examination by Mr. Childs. Mr. Jackson stated that following normal office procedures he went on the USTA website to determine whether or not Mr. Mosher had any outstanding suspensions or violations that may prevent him from being licensed by the Commission. He did determine at that time that Mr. Mosher had been denied a license by New York State Gaming Commission. He applied for a groom's license in December of 2011 and had been denied a license by that Commission in December of 2011. Therefore, he indicated to Mr. Mosher that they were not going to license him because of that denial by New York. Attorney Guay asked Mr. Jackson if he had any witnesses to call. Mr. Jackson stated that he might call Mr. Greenleaf. Attorney Guay stated that he is going to ask Mr. Childs if Mr. Mosher was notified that he was going to be suspended. Mr. Jackson stated that he had a conversation with Christian Emblem who is an investigator with the New York State Gaming Commission and he indicated to him that that denial remains in effect. Mr. Childs objected. He stated that information is hearsay. Attorney Guay stated that he is going to overrule the objection but he is going to direct the Commissioners to listen to that evidence in this light. This testimony will be allowed in terms of not as to whether or not it is true that he continues to be suspended in New York but he will allow it for the purposes of why Mr. Jackson did what he did in terms of informing Mr. Jackson's belief. But to be clear whether or not it establishes that he is currently suspended. That is a different matter that you need to consider, so he will allow the testimony in. Mr. Jackson stated that the information that he received from Mr. Emblem remains in effect as far as he is concerned; therefore, the denial still remains in effect even though that the indication from Mr. Childs and the letter may have indicated differently. He believes, and he has to look at the letter that Mr. Childs has, at that point Mr. Mosher withdrew his application but had already been denied prior to his withdrawal. Therefore, the denial remains in effect. Attorney Guay asked for cross examination by Mr. Childs. Mr. Childs stated that he is marking as appellants Exhibit 6 and asking him to identify that for him. Mr. Jackson stated, yes he can. That is the initial preliminary denial of the driver/trainer's license application for Mr. Mosher dated May 28, 2014. Mr. Childs asked Mr. Jackson within the indentation he wrote what sir. Mr. Jackson read that "your application submitted to the New York Racing and Wagering Board on November 30, 2011 was denied by that Board". Mr. Childs stated that he would like to offer appellants Exhibit 6 letter identified by Mr. Jackson as being his to Mr. Mosher dated May 28, 2014. Attorney Guay stated that he would admit appellants Exhibit 6 which is a May 28, 2014 Preliminary Denial. Mr. Jackson stated that the New York Racing and Wagering Board are now considered the New York State Gaming Commission. Mr. Childs stated that he would like Mr. Jackson to identify the document as appellant's Exhibit 7. Mr. Jackson stated that is a letter you sent to him from you indicating actually a response to the May 28, 2014 letter addressed to Mr. Mosher. Mr. Childs asked Mr. Jackson if he had received this document and the attachment. Mr. Jackson stated yes he did. Mr. Childs asked Mr. Jackson within the letter of March 25, 2014 from the New York State Gaming Commission there's a Ronald Ochrym who is the author of that letter. Did you see that? Mr. Jackson stated yes he did. Mr. Childs asked if he knew who Mr. Ochrym was. Mr. Jackson stated no, he does not. Mr. Childs stated that the letter reads that Mr.

Mosher's appeal of the denial of his New York groom's license has been pending and has been rescheduled and so on, and the Commission has determined in light of this and a lengthy passage of time since the application to New York they will simply rescind his license denial and to dismiss the appeal. You read where the New York Gaming Commission, Mr. Ochrym wrote that the Commission was rescinding his license denial. Did you see that? Mr. Jackson stated yes he did. Mr. Childs stated that he would like to move appellant's Exhibit 7. Attorney Guay asked Mr. Jackson if he had any objection to appellant's Exhibit 7. Mr. Jackson stated no. Attorney Guay admitted appellant's Exhibit 7. Mr. Childs asked Mr. Jackson in response to the letter from the New York Racing Commission that he provided to him in June of this year. You did some further investigation. Mr. Jackson stated yes. Mr. Childs stated as a consequence of your investigation you sent out a new letter of a preliminary denial dated July 7, 2014. Mr. Jackson stated that was correct. Mr. Childs stated that the modification of the letter was a deletion by you in your second hearing notice of New York. Mr. Jackson stated based on the information you provided to him, yes. Mr. Childs stated to Mr. Jackson that Mr. Mosher is currently licensed in California. Mr. Jackson stated only from the information that was attached to his application that was submitted in April. Mr. Childs asked Mr. Jackson if he had seen that document showing appellant's Exhibit 2. Mr. Jackson stated yes that was the documents attached to his application. Mr. Childs also stated that Mr. Mosher is licensed in the State of Pennsylvania to drive and train. Mr. Jackson stated that he was not aware of that. Mr. Childs asked if he was aware that he's licensed in the State of Florida to drive and train. Mr. Jackson stated that he is not aware of that. Mr. Childs stated that he had nothing further for Mr. Jackson. Attorney Guay asked the Commissioners if they had any questions to Mr. Jackson. None seen. He also asked Mr. Jackson if he had any further testimony. Mr. Jackson stated not at this time. Attorney Guay asked Mr. Jackson if the State rest. Mr. Jackson stated for the time being, yes. Attorney Guay asked Mr. Childs if he would like to make an opening statement. Mr. Childs stated that he would like to make a motion based on the evidence introduced at this juncture. There's no rational base to deny Mr. Mosher a license. The documents before the Commission are clearly established that although Mr. Jackson made a presumption in May of this year that Mr. Mosher had in fact been denied a license by the State of New York. He's had access to now for better than two months which clearly says that his suspension the denial of his license was rescinded and his application was redrawn. He does not know from what rational bases we can conclude that he is under suspension in New York presently. Mr. Jackson asked to respond to Mr. Childs' request. Attorney Guay asked if he had the documents in front of him. He asked Mr. Childs to repeat his motion. Attorney Guay stated that what Mr. Childs is saying is this document establishes a basis that Mr. Jackson will not be able to make a showing of his burden. Mr. Childs stated that he talked to somebody he identified as Mr. Emblem and there is no document from Mr. Emblem. Mr. Emblem is not here. Attorney Guay stated that this document provides a basis that which overwhelms assuming these facts to be true renders the basis that Mr. Jackson. Mr. Childs stated that his own action establishes the proof of this. He then sent out a second hearing notice in which he redacted the allegation that Mr. Mosher was suspended in New York. So by his own action he recognized that he was not suspended in New York. Mr. Jackson stated that there was no hearing held in New York. If you read that second sentence of the first paragraph, an appeal hearing has been scheduled, adjourned, rescheduled and cancelled on multiple occasions. His question is why was no appeal hearing ever conducted. The second part of it is it's for a groom's application. This application is for a driver/trainer. He thinks there is a little bit of difference in the responsibilities of a groom verses a driver/trainer. In Mr. Mosher's original suspension of his license in New York was as a trainer and all licenses associated with it. Attorney Guay stated that the statute says that the Commission shall refuse a license to any person who has been refused a license until notification from the jurisdiction that refused the license that that person again is eligible for licensing in that jurisdiction. He stated that he is going to rule against the motion because he doesn't think that document proves that fact. Mr. Childs asked to call Mr. Mosher.

Attorney Guay stated that he has already affirmed your oath. Mr. Childs ask Mr. Mosher if he is licensed to drive or train horses in any other jurisdiction in the United States. Mr. Mosher stated yes in California as an owner/driver/trainer, Pennsylvania as a trainer/driver and in Florida as a trainer/driver. Mr. Childs asked Mr. Mosher if the exhibits marked as 2, 3 and 4 are copies of documents that you have received from California, exhibit 2; Pennsylvania, exhibit 3 and Florida, exhibit 4. Mr. Mosher stated yes. Mr. Childs entered exhibits 2, 3 and 4. Mr. Jackson had no objections of these documents. Attorney Guay stated that the appellant has moved for admission of exhibits 1, 2, 3 and 4. Mr. Childs asked Mr. Mosher if he was under suspension in any other state as we speak. Mr. Mosher stated no. Mr. Jackson asked Mr. Mosher if he had been licensed in any other jurisdictions other than Maine, California, Pennsylvania, Florida and New York. Mr. Mosher stated yes, New Jersey, New Hampshire and Massachusetts. Mr. Jackson asked if he had ever been licensed in Virginia. Mr. Mosher stated no. Mr. Jackson asked if he had ever made application in Virginia. Mr. Mosher stated yes. Mr. Jackson asked what happened with the application that you filed with Virginia. Mr. Mosher stated that he withdrew it. He thought it was too far to travel at the time and financially it wasn't going to work out, so he asked to withdraw his application. Mr. Jackson asked Mr. Mosher to explain to the Commission state's exhibit 2 under New York Harness Racing rule invoke in general why New York Gaming Commission or Wagering Board would indicate your experience, character and general fitness and your participation in racing or related activities would be inconsistent with the public interest convenience or necessity or with the best interest in racing generally. Mr. Childs objected to the question. He thinks Mr. Jackson is trying to ask Mr. Mosher to explain why some other person or some other body took some action. Attorney Guay stated that he would object to the form of the question. He cannot know what they were thinking but he can testify as to what he understood why they took an action. Mr. Childs stated if he had such an understanding. Attorney Guay stated his understanding. Mr. Jackson asked Mr. Mosher what his understanding was why your license as a groom in New York was initially denied. Mr. Mosher stated probably from his responsibility of his actions in 2001. Mr. Jackson asked what those were, please. Mr. Mosher stated failure to report the death of a horse which he takes full responsibility of. Mr. Jackson had no more questions. Attorney Guay asked the Commissioners if they had any questions. Commissioner Timmons asked in the past three years had you had any violations of any of the rules in any racing venue in the past three years. Mr. Mosher stated yes, he received a \$200 fine from the State of Pennsylvania in 2012. He had a horse in to qualify and he had a medication in his system of flunixin and he received a \$500 fine. Commissioner Timmons asked in the licensing process and in the review whatever State it is when you apply for the licenses you have three year reciprocity of time that if you had violations you could still be denied. Attorney Guay stated that the grounds that he's being denied a license is that New York had denied him a license and they never allowed the second test. That's the issue before the Commission. The relevance is the New York denial. Commissioner Dresser stated that on your application you indicated yes to question three in Maine as to whether or not you have ever been suspended or otherwise barred in any other racing authority and you indicated New York. Was that specific only to the groom's license denial or is there something more than that. Mr. Mosher stated the 2001 incident and the 2006 incident. Commissioner Dresser asked Mr. Mosher to elaborate on those for them. Mr. Mosher stated that the 2001 incident which he said before he takes responsibility for and he is not here to lie to them and waste their time. He takes full responsibility of the horse dying in New York in Monticello and in 2006 he was caught in the middle of something stupid. A veterinarian gave him some medication to give another trainer and by doing that he got caught in the middle and he received a misdemeanor fine from the Saratoga County Police. Mr. Childs asked what was the amount of the fine you received from the State of New York. Mr. Mosher stated in 2006 it was \$200. Commissioner Dresser asked what was the consequence of the charges or the violations in 2001 and 2006 on his New York licenses. Was there a suspension of your license at that time? What has happened in New York since then, other than this grooms license

denial that we're aware of. Mr. Mosher stated that you asked him two different questions. The first one he did get suspended in both incidences. The first one was for two years. The second one being licensed as a groom he never really did get a suspension. They treat grooms different than trainers and drivers. Commissioner Dresser stated that you were suspended for two years in 2001 to 2003. Did anything happen after 2006 or had you not reapplied at that point. Mr. Mosher stated that he let everything go; he did not reapply. Commissioner Dresser stated that the only other time that you applied was the groom's license application that was later denied. Mr. Mosher stated yes then he appealed it. Attorney Guay asked if any other Commissioners, based on those questions had any further questions for his client. Mr. Childs asked Mr. Mosher what is your understanding as to your ability to apply for a New York license today. Are you prohibited from doing so? Mr. Mosher stated no. Mr. Jackson stated as a follow-up to Mr. Childs question. Are you a resident of New York currently? Mr. Mosher stated no. Mr. Jackson asked if he ever made application in New York for a driver, trainer or owner license after the 2006 incident. Mr. Mosher stated no. Mr. Jackson asked him to explain to the Commission the letter exhibit 1. Did you ever appear before the New York Commission for a hearing on your appeal? Mr. Mosher stated no. Mr. Jackson asked if they scheduled a hearing for him. Mr. Mosher stated yes. Mr. Jackson stated that he never appeared. Mr. Mosher stated that he thought they might have canceled it. Mr. Jackson asked if they rescheduled. Mr. Mosher stated he put his appeal in on the denial in a matter of time and the New York State has a tendency to let things go. Mr. Jackson asked if he ever received a notice of hearing for his appeal. Mr. Mosher stated no. Mr. Jackson stated that the letter indicates otherwise. Mr. Mosher stated that this is a few years ago and they kept telling him to reschedule it. He kept waiting for a hearing and he never got one from them and that's why they rescinded his appeal because the gaming commissioner or the racing board there was under such turmoil because of the change with the casinos coming in. They had a different boss or different authorities each year basically. They did keep a couple of people that he knew from 15 or 20 years ago. Mr. Jackson asked if he was present when they rescinded his denial and dismissed his appeal. Mr. Mosher stated no. Mr. Jackson stated to Mr. Mosher that he had never appeared before the Commission on his appeal even though a hearing had been scheduled. Mr. Mosher stated correct. The council decided on their own without him being there to rescind his application. Mr. Jackson asked him if he could tell him when it was rescinded. Mr. Mosher stated it was a couple of years after, March 25th. Mr. Jackson stated it was a little over three years, isn't it. Mr. Mosher stated correct. Mr. Jackson stated that you never heard anything from the Commission from the time you appealed until it was dismissed. Mr. Mosher stated not really. Attorney Guay asked Mr. Childs if he had any other witnesses you'd like to call at this point. Mr. Childs stated that they rest. Attorney Guay asked Mr. Jackson if he'd make his closing argument. Mr. Jackson stated that he sincerely believes that the denial even though there is a letter from the New York State Gaming Commission indicating that it has been dismissed or rescinded. The denial still remains a part of the record and he would urge this Commission to also deny the original denial of the application was for a groom and this is for a driver/trainer. The initial suspension that Mr. Mosher incurred which lead to the denial of his groom's license was a very serious matter as a trainer. He thinks the Commission needs to take a look at that as well. There is information that he provided as far as the denial is concerned. He had been denied it may have been rescinded but he was denied. The denial you have before you is based on past performance. Attorney Guay asked Mr. Childs. Mr. Childs stated the Commission's Exhibit 2 is dated December 16, 2011. That matter was pending for a matter of two years and four months apparently. In March 25, 2014, the New York State Gaming Commission determined that in light of this and the lengthy passage of time that they were going to rescind the suspension. That's the evidence before the Commission. Preliminarily he was denied on December 16, 2011 but ultimately that was rescinded and he is not currently under suspension in New York. Frankly, he thinks they have to give Mr. Mosher a license. Attorney Guay closed the hearing. Commissioner Dresser asked for any deliberation. Commissioner Reed stated that as he reads 8

M.R.S Section 283 there's no language in there requiring or mentioning currently under suspension. The language says and he's sure they all know it, the Department shall obtain current listings from other jurisdictions where a license has been refused or had there licensed revoked or suspended. Mr. Mosher in his testimony freely and clearly stated that he had been suspended twice, so it seems to him that a clear reading of 283 doesn't say anything about whether he's currently suspended. It says have you ever been suspended. He thinks to him that is important. Commissioner Timmons asked Mr. Mosher if he ever had a license in New York since 2001. Mr. Mosher stated yes. Attorney Guay stated that they closed the hearing but if Mr. Jackson and Mr. Childs say that it is ok they can reopen the hearing. Mr. Jackson and Mr. Childs both agreed. Commissioner Timmons asked Mr. Mosher if he had ever held a license in the State of New York since 2001. Mr. Mosher stated yes. Commissioner Timmons asked what was that license and what year. Mr. Mosher stated a groom's license in 2004. Mr. Childs stated that he had a comment. Attorney Guay stated to Mr. Childs that he could go ahead. Mr. Childs stated with all due respect to Mr. Reed, his understanding of reciprocity is incorrect. Reciprocity is designed to deal with situations where you're currently under suspension in one state one jurisdiction other jurisdictions who are part of that reciprocity agreement will give full force and affect. The fact that you may have been suspended one year ago, five years ago, ten years, twenty years or thirty years is not an appropriate basis to refuse someone a right to earn a livelihood today. The statute that we are referring to is 283 indicates that a person whose license is revoked or suspended in another jurisdiction until notification from that jurisdiction that refused to license or suspend or revoke the licensed person that person again is eligible. This letter establishes that this person is eligible to apply for a license in New York, not saying that the guarantee going to get a New York license, but our statute doesn't require that he provide guarantees from every state that he's been suspended in that they would relicense him in the future should he apply in the future. The statute does not say in any way shape or form suggest such. Attorney Guay asked Mr. Jackson if he wanted to add to his closing. Mr. Jackson stated that as a follow-up to Commissioner Timmons questions he raised the issue of when he was last licensed in New York in 2004 as a groom. He asked Mr. Mosher what he was licensed as in New York in 2006. Mr. Mosher stated a groom. Attorney Guay stated that he sees no other questions from witnesses at this time and we can close the hearing and return to deliberations. Commissioner Dresser stated that she was reading through the statute after Commissioner Reed spoke and she has to agree with Mr. Childs even though his reading was a little more on the liberal side than Commissioner Reed. If you read from it it says, "The commission shall refuse to license or shall suspend the license of any person who has been refused a license or who has had that person's license revoked or suspended in another jurisdiction until notification from the jurisdiction that refused to license or suspended or revoked the license of the person that the person is again eligible for licensing in that jurisdiction." Although the letter from New York Gaming does not state specifically that he's eligible for a license it certainly implied given the fact that your only pending license at that point is no longer held up. Commissioner Tracy stated that it is somewhat unclear but the law does say until the person is again eligible for licensing in that jurisdiction. He's not sure if that letter precisely says that although it seems to imply that you may apply for a license. He concurs that it meets the criteria in our statute. Commissioner Timmons stated that the questions that he has still falls outside of being able to get to what he really wants to because the hearing is closed. He still would like to have some things clarified about New York since 2001. He doesn't really have that clarified to the point where he can make a decision that he feels is really necessary. Commissioner Dresser stated that his license has been denied pursuant to 8 M.R.S. Section 283 and although she gathers from Mr. Jackson's closing that there may be other reasons that factored into this denial. That's what we have before us and she's seen nothing that suggests that your license has a suspension in another jurisdiction that you've been denied in another jurisdiction presently other than the one that was later rescinded. She doesn't see enough to deny this license. She asked for a motion. Commissioner Tracy made a motion to grant the appeal and grant the

license. Commissioner Dresser asked for a second. There was no second. She asked Attorney Guay for some guidance. Is their decision today, does it come down to uphold the appeal or deny the appeal and nothing in between. Attorney Guay stated that was correct. Commissioner Dresser asked Commissioner Timmons what he was pondering. Commissioner Timmons stated that it appears to be that facts would indicate that since 2001 Mr. Mosher would never have a trainer/driver's license in New York and he never heard how much the penalty or what the penalty might have been. Some jurisdictions can deny people for life. Some jurisdictions can do other things depending on the severity of it, but he has to read into the fact that he never had a driver or trainer's license in New York since 2001. He never asked if he applied for a driver or trainer's license and he did hear some situations on grooms, but that's a whole lot different and it makes a difference to him if he had been totally denied a driver or trainer's license. Based on that by looking at this letter that Mr. Childs and Mr. Jackson presented, he would vote to deny. Commissioner Dresser stated that she has to go back to the fact that the statute is pretty clear that they can deny if a certain circumstance exist. She didn't hear any evidence today that says it does exist. There may be other matters above and beyond that but this is what was put before us today. Commissioner Reed stated that he has been told by Attorney Childs he can't read the statute; however, it seems to him that it says have been refused it does not say currently under suspension have been refused a license or who have their license revoked or suspended. He takes Mr. Mosher's testimony candid and forthcoming that he appreciates that he has been suspended at least two times. Commissioner Dresser asked him to look at the second sentence and it directs them as to how they should act. She wants to remind everyone what we have before them is just this provision in the statute although there may be other things in the background here that's not what we have before us today. Attorney Guay suggested an intellectual approach to this from a legal prospective and take it in pieces under the statute. The first part of the law is, the department shall obtain current listings and they have done that. The appellant at one point was revoked or suspended. Do you all find that? Commissioners responded yes. Attorney Guay stated that the commission shall refuse to license. If you find that he was revoked, the Commission shall refuse to license any person who has been refused a license until notification that that person is eligible for licensing in that jurisdiction. He thinks the next factual question you need to determine because he's hearing varied basis of disagreement is whether the revocation needs to be current or past. The second disagreement is whether or not this letter is sufficient to meet as a finding of fact whether Mr. Mosher is again eligible for licensing in that jurisdiction because the absence of finding that he is, it says the Commission shall refuse to license. He thinks the four of you need to determine from a factual prospective and can you agree to a proposed finding of fact that exhibit 1 establishes that he is eligible again for licensing in that jurisdiction. Commissioner Tracy stated that this letter he's not sure that it does actually meet their requirement in the statute by stating that the person is again eligible for licensing in that jurisdiction. It only infers to the fact that he can apply, so based upon that he would have to turn his thinking. He made a motion to deny Mr. Mosher's appeal. Commissioner Timmons seconded. Commissioner Dresser stated that she would like to offer up as an amendment to the motion that would suggest that we would deny the appeal subject to confirmation from the New York Gaming Commission that he is eligible. Attorney Guay stated to track the language. Confirmation that Mr. Mosher is again eligible for licensing in that jurisdiction. Commissioner Dresser stated that rather than assuming that this letter gives them that. Is that something they can do today? Attorney Guay stated that you have to rule on the appeal. You can rule on the appeal and offer a consent agreement. Commissioner Tracy stated that if such evidence is forthcoming if this is denied that it comes back to them again with the future evidence. Commissioner Dresser stated that if she is understanding him that they can after their decision on the motion and a denial let's say in theory of the appeal they could provide for a resubmission after receipt of. Attorney Guay stated that Mr. Mosher by right would resubmit his applicant two minutes after the denial. You could also offer a consent agreement that would grant the license upon a

specific certification by New York State. Those are options that would be available to you. If you deny the appeal and he doesn't remember the motion completely that you have a very specific finding of fact as to why you are denying the appeal because there's probably an ADC appeal and reviewed by a court so you need to have a very specific finding of fact other than a statement. Commissioner Tracy stated that this letter does not to him state that Mr. Mosher is actually eligible for licensing in that jurisdiction which is a requirement of our statute. It applies that he can file that's all it does to him. Commissioner Dresser asked if his motion is being amended to include the finding that being denied because they have not received evidence that he is eligible. Commissioner Tracy stated yes. Attorney Guay stated that he heard an argument made and he heard some Commissioners agree that the language of suspended or revoked was for lack of better wording current tense, so explicit in the denial there's that first hurdle that in fact the statutory requirement of refusing a license the fact that it was not current. It says the denial has been rescinded. As he writes his finding of fact, you are also finding that the previous denial is the basis under the statute, and that it doesn't have to be current but that it had to have occurred in the past. When you are voting on this be aware too because he will write in the decision and order that you are also finding that the previous denial is sufficient under the statute as a denial under the definition of a denial is. Commissioner Dresser stated that despite the fact that the first sentence refers to the Department obtaining current listings. The beginning of the next sentence clearly says, the commission shall refuse to license or shall suspend the license of any person who has been refused a license or who has had that person's license revoked or suspended in another jurisdiction. She thinks what they are lacking is that it could be implied that the letter from New York indicates that Mr. Mosher is eligible but it does not say that. She thinks as long as the motion makes it clear that we have this a denial based on this letter and that we are lacking a statement of eligible that we are going to cover ourselves under the statute. She asked for any other discussion. Commissioner Timmons stated that before they finished the letter what they said about the hearings, scheduled, adjourned, rescheduled and canceled on multiple occasions, so it sounds like they kept putting this off to the point where they didn't give us. Commissioner Dresser stated that they definitely are lacking information based on that letter alone. Commissioner Timmons stated that they are going to get it. Commissioner Dresser stated that if there is a reapplication we're going to need it in order for the license to be granted. She asked for a vote on the motion. Vote 4-0 to deny the appeal.

2. Attorney Guay stated that this is the matter regarding Ryan Hall, complaint number 2014 MSHRC 004. He is the trainer of record of "Vickers Hanover" and a blood sample obtained from "Vickers Hanover" following the first race at Bangor Raceway on May 23, 2014 disclosed the presence of Methocarbamol. He is the hearing officer and he will help the Commissioners and the parties to this proceeding. Mr. Hall is present and representing himself. Mr. Jackson is representing the Department. Attorney Guay asked questions of the Commissioners. Commission members responded with a "no" to both questions. He also asked Mr. Jackson and Mr. Hall if there were any objections to any of the proceedings up to that point and they both responded with a "no". Neither party had witnesses. They both were administered the oath. Mr. Jackson presented Exhibit 1 as a copy of the application of Mr. Hall. Exhibit 2 is a copy of the race program for May 23, 2014. Exhibit 3 is a card which tracks the blood sample of Vickers Hanover taken on May 23, 2014. Exhibit 4 is a copy of the laboratory results. Exhibit 5 is a Notice of Positive Test and Suspension with return receipt. Exhibit 6 is a corrected copy of the Notice of Positive Test and Suspension with return receipt. Exhibit 7 is a copy of the Notice of Hearing with return receipt. Mr. Hall had no objections to any of the exhibits that were entered as evidence. Mr. Jackson explained the exhibits for the Commission. Attorney Guay asked Mr. Hall if he had anything to say on the violation. Commissioner Dresser pointed out to Attorney Guay that there were several charges alleged in the notice so we need to distinguish which ones we are referring to. Attorney Guay stated to Mr. Hall

that the notice of hearing lays out what the Commission will be voting on. Mr. Jackson is alleging that there are eight violations. He asked Mr. Hall what is his argument for each one of those violations. Mr. Hall stated that he is the trainer of Vickers Hanover and the horse was given Methocarbamol by accident. He doesn't know how far out it was given. He doesn't know what to say. Attorney Guay asked if he had any comments of the other violations listed. Mr. Hall asked what number five was. It states misconduct, which was fraudulent in nature. He doesn't get that. Attorney Guay stated that Mr. Jackson has not submitted evidence of fraud. He asked Mr. Hall at this point he would ask him to testify. Mr. Hall stated that the horse was apparently given Methocarbamol which is rodamin. He didn't know that the horse had this in his system. He realizes that it is his responsibility as a trainer. He doesn't know what to say. It wasn't intentional. Mr. Jackson asked Mr. Hall questions. Commissioner Timmons asked Mr. Hall if he was familiar with the medication rules. Mr. Hall responded with yes. Commissioner Timmons stated that he stated more than once that you did not do this. Mr. Hall stated that he didn't know it was in his barn and if the horse had it in his system it was given to the horse by accident. Commissioner Reed asked Mr. Hall if he had planned to administer another substance and instead you administered this substance in error or an unknown third party administered this substance. Mr. Hall stated that it was not a third party that administered the substance and the horse wasn't going to get anything else. It wasn't a mistake in giving the wrong drug. He might have given him methocarbamol instead of Bute the day before the race. Commissioner Dresser stated that she would like to address the allegations that they haven't addressed yet. She asked Mr. Hall if he committed misconduct, which is fraudulent in nature or was injurious to the character of racing. Do you feel that is true or untrue? Mr. Hall stated was definitely not what he intended to do. Commissioner Dresser asked whether any of the actions that you have admitted to do you feel constitutes an unfitness to participate in racing. Mr. Hall stated no. Attorney Guay asked Mr. Hall if there was anything else to say. Mr. Hall stated no. He is not trying to get out of serving time. He realizes that the horse has this in his system and he definitely thinks that there should be a penalty. He gave it to the horse by accident. Attorney Guay asked Mr. Jackson if he had any questions of Mr. Hall. Mr. Jackson stated he did not. He stated that the evidence he submitted and the questions posed to Mr. Hall and the answers given by Mr. Hall states that he is guilty of violating Chapter 11, Section 1. Attorney Guay asked Mr. Jackson if the Department would be willing to withdraw the count on fraud and conspiracy. Mr. Jackson stated that the Department has been unable to prove that there's any conspiracy aspect of this case #4. Mr. Hall did admit that the drug was administered by he doesn't know how. He also stated #5 that Mr. Hall intended any fraud or misconduct other than by accidentally administering the drug. He doesn't think that Mr. Hall is unfit to participate in racing #6. This is his first violation in the years that he has been licensed by the Commission. He will address #7 and #8 during the penalty phase. Attorney Guay stated that he would ask for a motion to dismiss counts 4, 5 and 6. Is that so moved by the Department? Mr. Jackson stated yes it is. Attorney Guay stated to Mr. Hall that the Department is indicating that they are going to dismiss three of the counts against you. Do you have any objections to that? Mr. Hall stated no sir. Attorney Guay stated that having been moved without objection he will find that those counts have been voluntarily withdrawn by the Department prior to deliberations. At this point in time, we would go into deliberations on the remaining counts also noting that prior to consideration of 7 and 8 that we would have a brief statement by the parties if you find violations for the other counts. Commissioner Dresser stated that they would do a straw vote just to see where they stand as to whether or not there has been a violation of the first three allegations. Commission members all agreed there was a violation of counts 1-3. Commissioner Dresser asked for any discussion or go straight to a vote. Commissioner Tracy made a motion that items 1, 2 and 3 as listed in the notice of hearing have been violated by Mr. Hall. Commissioner Timmons seconded. Vote 4-0. Attorney Guay stated that this is the second phase and this is the penalty phase. He stated to Mr. Hall that he has been found to have violated the first three counts in the notice of hearing. This is his opportunity

to tell the Commission as to why they should be lenient or harsh with you. Mr. Hall stated that this is his first offense. This is his first positive he has had. He is a young trainer. He believes the same kind of positives in the past with methocarbamol with Steve Vafiades got two last year and he served thirty days for two of them, and he got one of them. He is serving thirty days and that's fine. He feels he should serve the thirty days. Attorney Guay asked Mr. Jackson what aggregating factors he would like the Commission to consider. Mr. Jackson stated that the penalty for a Class IV drug violation according to Chapter 17 is thirty to ninety day suspension with a \$250 to \$500 fine also a return of the purse and the Commission has to authority to suspend a horse up to thirty days. It would be his recommendation where by Mr. Hall's violation that you just found constitutes his first violation of Chapter 11, Section 1; therefore, he would recommend that his suspension of thirty days with credit for time served, a fine of \$250 with all but \$100 be suspended. That the purse is returned and the horse be set down for thirty days. Commissioner Dresser asked Mr. Jackson regarding the horse being suspended presuming the horse hasn't raced. Mr. Jackson stated that the horse has been racing. Commissioner Dresser asked how did that happen if Mr. Hall has been under suspension. Mr. Jackson stated that the horse was transferred prior to his suspension to Aaron Hall. Commissioner Timmons had a question of the date the horse was transferred. Mr. Jackson stated that he believed the horse was transferred on July 21, 2014 and it was a bonified sale to Aaron Hall. It was approved by our office. Attorney Guay asked if the horse was sold prior to the notice of hearing. Mr. Jackson stated yes. Attorney Guay asked what his position was on impairing the right of an owner who is not a party of this proceeding today. Mr. Jackson stated that if the Commission imposes a suspension of the horse for thirty days it makes no difference who the owner is. The horse will be set down for thirty days even if the horse has been transferred. Commissioner Dresser stated that there was one thing she would like to explain to Mr. Hall. He commented on Mr. Vafiades that there were two and there were a thirty day suspension. Just so you are aware, there were two, two days in a row so we treated them as one because by the time the notice of the first one came out the second one had already occurred. She feels that you have been very forthcoming and very honesty with this and that saves us time and it saves you time. She is in favor of Mr. Jackson's proposal. Attorney Guay asked Mr. Jackson to be clear on your proposal. Mr. Jackson stated a suspension of thirty days with credit for time served from the time he was set down from the notice of positive test and suspension. Mr. Hall asked about the fine. Commissioner Dresser stated that the fine is \$100. Commissioner Tracy made a motion that Mr. Hall be given a thirty day suspension with credit served from the time of the notice of suspension and that a fine of \$250 be assessed with all but \$100 be suspended. The purse for coming in second on that date must be repaid and until it is repaid the suspension for Mr. Hall would continue. The horse itself would be subject to a thirty day suspension starting upon notice of the new owner. Commissioner Reed seconded. Vote 4-0.

3. & 4. Commissioner Dresser stated that they will start with Mr. Miller today but he was not present. Mr. Jackson stated that he recommends to continue the hearing for Mr. Miller to the September meeting. Mr. Miller has requested a split sample be forwarded to another laboratory for analysis and he has a stay of penalty pending the results of that test. Commissioner Dresser stated "ok". She also asked if the testing has been confirmed. Mr. Jackson stated yes. Commissioner Tracy made a motion that Mr. Miller be granted an extension to September meeting. Commissioner Timmons seconded. Vote 4-0.

UNFINISHED BUSINESS:

1. Attorney Guay stated that he has the Decision and Orders on the Horse Supply and Mark Athearn's for your review. Commissioner Dresser asked for a motion on the Decision and Order for the Horse Supply. Commissioner Tracy made a motion to approve the Decision and Order for the 2014 Horse Supply as written. Commissioner Reed seconded. Vote 4-0.

Commissioner Tracy made a motion to approve the Decision and Order relating to Mark Athearn as written. Commissioner Reed seconded. Vote 3-0. Commissioner Dresser abstained from the vote.

NEW BUSINESS:

1. None.

REPORTS:

1. None.

OTHER BUSINESS:

1. Commissioner Dresser stated that Scarborough Downs' management will give an update on the work they are doing to improve the condition of its racetrack, and also an update on work that has been done to improve their simulcast signal to Maine's outlets. Steve Cobbett handed to the Commission a letter from Dennis May, State Racing Steward to Mr. Jackson. He stated that in September they are going to have the laser grading done and that is still on track. There have been no complaints from any of the drivers. He walks the track weekly. The stone dust has been continuing to be used on the inside. Commissioner Tracy stated that the report from Mr. May is over a month old. Mr. Cobbett stated that the track materials are delivered on Thursdays or Fridays and not spread out until Mondays or Tuesdays. They did get a bad load of material which they did not put on and that delayed the delivery of the proper material. Commissioner Dresser asked Mr. May for an update on the track. Mr. May stated that the track has improved immensely. More water is applied to the track as well as dragging which is very important. There is less rocks. The track is very good. Commissioner Dresser asked if he thought the track is where it should be. Mr. May stated that he thinks it could be a little better. Mr. Jackson stated that he would agree with the assessment of both Mr. May and Mr. Cobbett have made. He stated that the work is paying off with the stone dust and watering. They are making process. Mr. Cobbett stated that the track crew on every race date to go out with the lockem in the water. They use the lockem in the 1, 2 and 3 hole. Then they water it and roll it. Then depending on the tracks surface they will harrow it after the second race, third race or the fourth race. If you look at this year's racing, he thinks that they are racing some really fast times. Commissioner Reed stated that he spends at least one day at Scarborough Downs in the paddock. He speaks to the drivers and without exception they say it is much better. Commissioner Dresser stated that it is important issue to the Commission. She asked about the starting gate because of the problems a few weeks ago. Is Mr. Ward maintaining these properly? Mr. Cobbett stated that Mr. Ward is maintaining them and on the weekends when they had the problems it was a difference between the three starters. He stated that there was a battery issue where it wasn't properly charged and on one of the gates there was a rod that was bent and it was replaced. They have a great relationship with Mr. Ward and if there are any problems he is on it as soon as possible. Commissioner Dresser asked if there was anyone that had any questions on this issue. Jim Kelley, Maine Standardbred Breeders and Owners, stated that at their meeting in July they had a lot of horsemen that expressed concern on the track and their main concern was safety. They sent a letter to Ms. Terry of Scarborough Downs expressing their concern. Mr. Cobbett stated that they didn't receive the letter until this week. He stated that the straight away both front and back has been commented as being excellent, and it is being addressed on a weekly basis. Mr. Kelley stated that one of their concerns was driver injuries and getting cut in the face. If it is getting better, they are all for it. Attorney Guay stated that if things were to revert then it would appear that the best way to deal with it would be in the licensing procedure. If things goes south, and everyone is up in arms he would suggest the parties have discussions and try to resolve those issues prior to having intervenors show up at the licensing hearing and then trying to cobble together some kind of conditions on the license. Mr. Cobbett stated that if the Commission or Mr. Jackson would like to take a look at the

track and speak with the facility manager he would be willing to stay and meet with you. Mr. Jackson stated that he will be going to Scarborough and he depends on Mr. May to advise him if he needs to be there.

Commissioner Dresser asked for an update on the signal. Mr. Cobbett stated that at the four OTB's things are going very well with the computers. He spoke with a person who is in charge of the IT Department in Bangor. They will be hooking up the computers tomorrow. Commissioner Dresser stated that Bangor has not been carrying the Scarborough signal. Mr. Cobbett stated that they have but only through the sling shot. What took them so long to get on board with the options, he is not sure. They have made adjustments to their website. They are also currently going through a reevaluation and upgrade of their current system. Commissioner Dresser asked about out of state outlets. Mr. Sweeney stated that their simulcast coordinator Martina Mitchell was having some difficulty communicating the new delivery system to the out of state outlets, so Susan Higgins and he decided to take it over and get them back on line. Ms. Higgins has left and he has taken this responsibility on as they contain cost at the track. Commissioner Dresser asked how do the numbers compare for the dollars wager. What has been the down side on the dollars wagered? Mr. Sweeney stated that he doesn't have the exact numbers but he knows that the off-track simulcasting handle has decreased significantly, and they knew it would but they would save on the bottom line. Ed MacColl stated that he could outline the range of the numbers for you. The cost for Roberts is \$120,000 and the revenues for the out of state signal to try to attract venues out of state, the Downs would just be getting the horse track fee which they set at very low level to try to attract business out of state. The total revenues were close to 10% of the cost of Roberts so it was a very easy decision. The track does hate to do anything to lose interest in the track and that was a consideration, but you're talking about \$120,000 expense to gain \$14,000 or \$15,000 in revenues that's a fairly easy decision in an industry that he believes it's accurate that the Downs is the only small market harness track in American that survives and has to compete against in state casinos but isn't allowed by law to compete with those casinos for customers for a variety of gaming. They really have to make those hard decisions to give up some fan base if it means \$100,000 in savings to survive. Commissioner Timmons asked if it would be fair to say that the revenue lost to the industry as a whole would be with the decision that you've made if you look at the income you had at the same time last year with the same time this year would be down 30 or 40 or maybe 50 %. Mr. MacColl stated that the revenues for the out of state signal which should be the only lost, but the total revenues for the whole industry with the out of state signal are only the host track fee. We may split that some years 25, 75 or 50, 50 with the horsemen, but it's the 14 or 15 we're splitting with the horsemen. The total potential lost is around \$15,000 of revenues for the whole industry. Nobody but the Downs and the horsemen under their laws is getting anything from the out of state bet. That money stays out of state. Commissioner Timmons asked how about in state. Mr. MacColl stated that he doesn't know the extent which the in state revenues are off. He has to look at the numbers and he would be pleased to and access that. Commissioner Timmons asked if he does please bring that answer back. Mr. MacColl stated that he has to take into account that revenues on betting of horse racing are declining dramatically for other reasons including that Maine has other forms of gaming that harness racing can't compete with unless we can bring people to like those forms of gaming to the raceway; that's their problem. He will try to isolate it and let you know what piece they've lost because of signal problems and how we're going to make sure that loss is eliminated by what Mr. Cobbett is doing. Commissioner Dresser stated that their concern is with the loss that can't be quantified, the harm to the industry. She believes there is some and it's not unusual to hear people from out of state moaning the fact that they can't watch the signal or keep the signal you hear it a lot. There are impacts above and beyond the actual numbers. Mr. MacColl stated that he does think that your industry will not survive under the current set of laws that we have in the state of Maine. Commissioner Dresser stated that we have to operate under the laws that are existing and we're trying to make the best we can of what is available. Mr. Kelley stated that he has

not got many bets on Scarborough at Bangor. Mr. Cobbett stated that they sent Bangor the options that were available and they chose not to do anything until last Friday on the options to replace the sling box for the computer or they could go to the day of the track and get a decoder like Roberts. He heard nothing for several weeks and contacted them again and talked to an individual and sent a letter of options again. Mr. MacColl stated that a law was passed to allow gaming at the racetrack in Bangor and another law was amended to define at the racetrack to be 2 feet away, then the law was amended to allow them to have simulcast wagering as over at the racetrack but at the place that is 2 feet away. We keep passing laws that make it tougher to get people to the racetrack and then put the focus of our entertainment and gaming industry on the casino. You have a track at Scarborough where the mindset is let's make it about the racing and protect the industry. You have another track where that's not the mindset. You have laws that support that mindset. Commissioner Dresser stated that the route of the issue we should remember with Bangor is that your system changed and it created a major inconvenience for others for outlets to pick up the signal, but that's the bottom line; and hopefully, you're able to get them back on board and we can resurrect some of what's left. Mr. Cobbett stated that they've gone with the option. We've worked it and we have a few things to work out. Mr. MacColl stated that the last time he knew about what they did at Bangor, they didn't have a teller for betting on horses at the casino. Mr. Kelley stated that they did at least when he was there. He stated that you could get anybody's signals except for Scarborough. It would come on for a few seconds and go off. You couldn't watch a complete race. Commissioner Dresser stated whether you have a teller or not, that's not making a difference if they can't get the signal to start with. Mr. Cobbett stated that they want to be there and they are working with them to correct the problem. Brenda Deojay stated that she goes to the OTB in Lewiston and she knows that the Commission is addressing the issue but the issue has been for many months. The OTB in Lewiston did everything in their power to be fair to Scarborough Downs and the significances of how bad the signal was that the girl had to reset the button she doesn't know how many times prior to the race even going. Mr. Cobbett stated that this has been an ongoing process. Mr. Sweeney stated that revenues to the racetracks are down below where they were before the casino in Bangor opened up in 2001. We are doing everything in their power to ensure that they are able to keep the doors open in Scarborough Downs. They had to make some very tough decisions at the beginning of this year. Ms. Deojay stated that the industry has to look at themselves.

Commissioner Dresser asked about the race date. Mr. Jackson stated that in June the Commission had a request from Scarborough Downs to reopen the race date assignments. They wanted to swap August 23 and be assigned September 5, 2014. The reason for that at that time was their parking lot was going to be used as an overflow parking lot for an event in Westbrook and since that time they found out that the overflow parking lot is not going to be Scarborough Downs and they want to go back to August 23, 2014. Attorney Guay asked Mr. Jackson if they were going to change one date to another date. Mr. Jackson stated yes. Attorney Guay stated that there has not been notice given but he asked to reopen the race date hearing. Commissioner Timmons made a motion to reopen the race date hearing. Commissioner Tracy seconded. Vote 4-0. Attorney Guay stated that there was no notice given for this request. He asked Scarborough Downs if they are going to waive the notice of hearing requirement. Mr. Cobbett stated yes. Attorney Guay stated that Scarborough Downs was already granted this date so this has been fully adjudicated the August 23 as being appropriate. Mr. Higgins stated that it would have been nice if they could have been noticed. Attorney Guay stated that the Commission would note his concern. This is a development which occurred subsequent to the posting of the agenda but we are not meeting until September and they are asking to race on the 23rd. Mr. Higgins stated that he understands the issue of doing it expeditiously but at the same point they could have had a thirty second instead of being taken up just now. Attorney Guay stated he understands the concern that the intervenors would have in terms of impairment of their rights and again because it is reverting back to a date that had been litigated last November he would suggest

that we move forward. The alternative would be that they don't race on the 23rd. He is very mindful of due process. With the comments noted, he would ask for testimony. He swore in Mr. Cobbett. Mr. Cobbett stated that the Commission had granted the change to September 5th and they had negotiated an agreement in writing with a vendor to rent their property after they granted them the change in the race date the vendor contacted them and backed out of the agreement. The City of Westbrook was able to give them a different parking so their property was no longer needed. They hadn't given notice on the 23rd change yet seeing it was already in the calendar and it was already published. They thought they would come to the Commission and keep the date that was originally awarded and that way no notice would have to be given and everybody would be on the same page. He talked with Mr. Jackson and sent him an email. Attorney Guay asked if any intervenors had any questions. None noted. He asked Mr. Jackson if he had any questions. Mr. Jackson stated none. Attorney Guay closed the hearing. He stated that the motion would be to revert to the original grant of August 23rd and revoke the subsequent grant of September 5th. Commissioner Tracy made a motion to revert to the original grant of August 23rd and revoke the subsequent grant of September 5th. Commissioner Timmons seconded. Vote 4-0.

Commissioner Dresser asked Mr. Jackson regarding the rules that were in the pipeline and the upcoming public hearing for the last batch. Mr. Jackson stated that the rules that the Commission adopted have been reviewed by the Attorney General's office and sent back to our office for minor non substantive revisions as recommended by the Attorney General's office. They had been forwarded to the Secretary of State's office and he believes they have received them today or tomorrow. Chapters 17 and 21 have been completed for advertising and he has been working on Chapter 11. Once he has completed the revisions, then they will go through the pipeline. He would say that they would not go to public hearing until October. Commissioner Dresser stated that they would set an effective date ten days out. Mr. Jackson stated that once he got notice from the Secretary of State's office that it's ok to go forward then they would give ten days' notice before the levels go into effect. He will make that announcement. Commissioner Dresser stated that would be great.

PUBLIC COMMENT:

Commissioner Dresser asked for public comment. Diann Perkins stated she would like to remind them that the 2 year old finals on September 7, 2014. She also stated that they had 52 legs and she thinks they are down 14 legs, but there's some very good racing going on.

The meeting adjourned at 1:15 p.m.

Respectfully submitted by:
Henry W. Jackson
Executive Director